



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

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| PART 321 FW 1 | SUBJECT Motor Vehicle and Equipment Operator Program Operator Requirements and Responsibilities | RELEASE NUMBER 447 |
| FOR FURTHER INFORMATION CONTACT Division of Contracting and Facilities Management | | DATE April 30, 2004 |

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter has been revised to delete the requirement for refresher training for heavy duty motor equipment. This requirement will be reinstated when the refresher training course is completed and made available to field offices.


DIRECTOR

FILING INSTRUCTIONS:

Remove:

321 FW 1, 04/01/04, FWM 445
Exhibit 1, 321 FW 1, 04/01/04, FWM 445

Insert:

321 FW 1, 04/30/04, FWM 447
Exhibit 1, 321 FW 1, 04/30/04, FWM 447

**FISH AND WILDLIFE SERVICE
VEHICLE AND EQUIPMENT MANAGEMENT**

Vehicle and Equipment Management

Part 321 Motor Vehicle and Equipment Operator Program

Chapter 1 Operator Requirements and Responsibilities

321 FW 1

1.1 What is the purpose of this chapter? This chapter establishes minimum requirements for the operation of motor vehicles and motor equipment for the Service.

1.2 To whom does this chapter apply? This chapter applies to all employees and volunteers who operate motor vehicles or motor equipment and to managers/supervisors who are responsible for Service motor vehicles and/or motor equipment. The operation of vessels and aircraft are covered in Parts 323 and 332, respectively.

1.3 What authorities support this chapter and must be followed?

- A. 40 U.S.C. 491.
- B. 43 U.S.C. 1471e.
- C. 49 CFR 383.
- D. 485 DM 16.

1.4 Who is responsible for management of motor vehicles and motor equipment?

A. The Assistant Director - Business Management and Operations establishes overall policy and guidance for the proper and safe management of motor vehicles throughout the Service and implements the requirements of this chapter in the Washington Office.

B. Regional Directors/Manager, California/Nevada Operations Office (CNO) must implement the requirements of this chapter within their areas of responsibility.

C. Supervisors must ensure that employees and volunteers are qualified and authorized to operate motor vehicles and motor equipment.

D. Employees and volunteers are responsible for obtaining proper authorization and for operating vehicles in a manner consistent with these and other Service and Federal guidelines.

1.5 What definitions apply to this chapter?

A. Motor vehicle. Any vehicle, self-propelled or drawn by mechanical power, that is designed to be principally operated on highways or to transport property or passengers. The term includes sedans, station wagons, carryalls, ambulances, buses, motorcycles, truck tractors and trucks including trucks with specialized mounted equipment and truck chassis with special purpose bodies (e.g., fire trucks, garbage trucks, etc.).

(1) Light-duty motor vehicle. Sedans, station wagons, light pick-up trucks and vans with a capacity for 15 or fewer passengers and with a gross vehicle weight of less than 11,793 kilograms (26,000 pounds).

(2) Commercial vehicle. A motor vehicle that is used to transport passengers or property and (1) has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more), or (2) that is designed to carry 16 or more passengers including the driver regardless of weight; or (3) is used to transport any placarded hazardous material, regardless of size or weight.

B. Motor equipment. Any item of equipment that is self-propelled or drawn by mechanical power or designed to be principally operated off highways. The term includes construction and maintenance equipment, materials handling equipment, and forestry and agriculture equipment.

(1) Heavy duty motor equipment. Equipment such as crawler dozers, crawler loaders, four-wheel drive loaders, draglines, power excavators, motor cranes, farm tractors (2 and 4 wheel drive and more than 20 engine horsepower), scraper pans, motor graders (straights and articulating frame), amphibious/soft tracked equipment (wheeled or tracked), industrial tractors (front-end loader/backhoes), skid steers, forklifts, industrial powered lift trucks and tractors with tracks such as Weasels or Thiokols.

(2) Light duty motor equipment. This category includes motorcycles, all-terrain vehicles, riding lawn mowers, and other equipment manufactured without a roll-over protective bar, as defined by 29 CFR 1926.1002.

C. Operator. A Service employee or volunteer who is required to operate motor vehicles or motor equipment.

(1) Full-time operator of heavy-duty motor equipment. An employee or volunteer who operates heavy-duty motor equipment on a regular or recurring basis and whose operator duties are specifically mentioned in their position description or Volunteer Services Agreement (FWS Form 3-2148).

(2) Incidental operator. An employee or volunteer, other than a full-time operator, who is required to operate motor vehicles or motor equipment in support of his or her primary job function on an intermittent basis, usually seasonally. The position description or Volunteer Services Agreement should indicate that intermittent motor vehicle or motor equipment operation is required.

(3) Commercial operator. An employee or volunteer who operates a commercial motor vehicle. Refer to 49 CFR 383 for specific requirements and penalties.

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1.6 What are the requirements for motor vehicle operator programs? Regional Directors/CNO Manager will ensure that all facilities responsible for the operation of motor vehicles and equipment establish and/or have in place procedures to:

A. Ensure that supervisors and operators meet the requirements of this chapter and other applicable Service policies, such as 243 FW 1 through 5.

B. Restrict motor vehicle operations to qualified and authorized persons. Qualified means that, at a minimum, the operator (1) possesses a valid State driver's license for the type of vehicle to be operated and (2) meets the requirements of this chapter. Authorized means that the vehicle operator has the approval of the supervisor responsible for the vehicle.

C. Provide funding for payment of the commercial driver's license fee for the employee if the license is a requirement of the employee's position description.

D. Have the driver's license revalidated by the State as required by the State's license renewal requirements.

1.7 Who may operate motor vehicles or equipment?

All operators must be fully qualified and authorized by their supervisor in accordance with this chapter before they operate any motor vehicles or motor equipment for the Service. Operators must continue to demonstrate competence to operate the type of motor vehicle and/or equipment to which assigned based on a continued safe driving record.

A. Only employees and volunteers may operate motor vehicles or motor equipment for the Service. Do not allow other persons (including Friends of Refuges) to operate Service motor vehicles or motor equipment.

B. Volunteers must have a signed Volunteer Services Agreement (FWS Form 3-2148) and a valid State license prior to operating any Service motor vehicle or motor equipment. Volunteers must have also received the appropriate training to operate motor vehicles and motor equipment, and the supervisor must document the training on FWS Form 3-2267 (Authorization for Operation of Motor Vehicles and/or Equipment).

C. Contractors and cooperative farmers may operate their own vehicles and equipment on Service lands when and where permitted, but do not allow them to operate Service vehicles or equipment unless contract or agreement clauses have been signed to cover issues of liability, insurance coverage, etc. (see FAR 45.3 and specifically 45.304).

1.8 How old does an operator have to be? All operators of motor vehicles and/or equipment must be at least 18 years of age. All operators of commercial motor vehicles must be at least 21 years of age.

1.9 Does an operator need a State driver's license? All operators must have a valid State driver's license in his/her possession at all times while driving a Government-owned or -leased motor vehicle on a public highway. All operators must also have a valid agency identification card or document (e.g., building pass or credential) in his or her possession at all times while driving a Government-owned or -leased motor vehicle (5 CFR 930). Operators of Service motor vehicles and equipment must immediately notify their supervisor if their State driver's license has been suspended or revoked.

1.10 Can commercial operators have more than one license? No person who operates a commercial motor vehicle may at any time have more than one driver's license (49 CFR 383.21).

1.11 What must a supervisor do before allowing someone to operate a motor vehicle or equipment?

A. Before a supervisor first grants or renews an authorization to operate motor vehicles and motor equipment for the Service, he/she must affirmatively determine that the employee/volunteer is fully trained, properly licensed, medically qualified, and continues to demonstrate competence to operate the type of motor vehicle and/or motor equipment to which assigned based on a continued safe driving record. This determination must be documented in writing using FWS Form 3-2267.

B. Supervisors will ensure that operators are provided appropriate basic and refresher training in accordance with paragraph 1.17, Exhibit 1, and other Service policies (e.g., 320 FW 5, 6, and 9, and 243 FW 1-5).

1.12 Are there additional requirements when a commercial driver's license is required? When a commercial driver's license is required, supervisors will, in addition to the requirements in paragraph 1.11:

A. Verify that the commercial motor vehicle operator is at least 21 years of age.

B. Ensure that the operator possesses a commercial license.

C. Obtain a certificate from a licensed physician or other acceptable health care worker from the individual's State of domicile or location of employment that the employee may operate the assigned vehicle.

D. Provide written approval (FWS Form 3-2267) to operate the vehicle.

E. Inform the commercial operator of potential penalties for failure to use the assigned equipment in a safe and lawful manner.

F. Enroll the employee in the DOI Random Drug Testing Program.

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1.13 Who pays for a commercial driver's license (CDL)? 43 U.S.C. 1471e authorizes the use of appropriated funds to reimburse Service employees for the cost of State licenses and certification fees pursuant to their employment and that are necessary to comply with State or Federal laws, regulations, or requirements. An employee's duty station is responsible for paying for the CDL and all associated costs when the possession of a valid CDL is a condition of employment and necessary to perform the duties of the position, except when an individual is applying for such a position. Applicants for a position requiring a CDL must either possess the CDL or obtain at his/her expense the CDL prior to employment. Once a new hire in a CDL-required position is on board, the duty station is responsible for paying for all costs associated with maintaining the license for as long as the license is required to comply with Federal and State law or DOI/Service policy.

1.14 Must operators use safety equipment? See 243 FW 1 through 5.

A. When seatbelts are provided, they must be worn by all drivers and passengers whenever the motor vehicle or motor equipment is in motion, on or off the highway. Drivers must not operate a motor vehicle or motor equipment unless all passengers are wearing their seat belts.

B. Wearing prescribed personal protective equipment is mandatory for all operators and riders of all-terrain vehicles or motorcycles.

1.15 Do commercial operators have to inform their supervisor of traffic violations? See 49 CFR 383 for specific notification requirements. Commercial operators must notify their supervisor:

A. Of any traffic violation or conviction other than illegal parking. Notification must be in writing and within 30 days.

B. If their driver's license is suspended, revoked, or canceled, or if they have been disqualified from holding a State or International license. Notification must be made before the end of the business day following the day the employee/volunteer received notification.

1.16 Are there special requirements for use of all-terrain vehicles (ATV)?

A. Operation of ATV's is restricted to individuals who have successfully completed ATV training.

B. Use is restricted to accomplishment of official Service business by authorized personnel. ATV's will be used for official purposes only and will not be used for recreational activities either apart from or in conjunction with official purposes.

C. ATV's will not be used to carry passengers unless the manufacturer's model is designed for transportation of both operator and passenger. If a passenger is carried, personal protective equipment required for the operator also applies to the passenger (see All-Terrain Vehicle Training Guide).

D. When not in operation, ATV's will be secured to prevent unauthorized use.

1.17 What are the training requirements for operators of motor vehicles and motor equipment? New Service employees and volunteers must satisfactorily complete appropriate training (see Exhibit 1) and be otherwise qualified and authorized before operating any motor vehicle or equipment. Supervisors will document the type and extent of training for each operator using FWS Form 3-2267. The operator must continue to demonstrate competence to operate the type of motor vehicle and/or equipment to which they are assigned based on a continued safe driving record and/or reauthorization.

A. Heavy Duty Equipment.

(1) Heavy equipment safety training will include 3 hours of pre-class study, 4 hours of classroom instruction, and 1 hour of actual operation for each category of heavy duty equipment that will be operated.

(2) The instructor for the hour of operating the equipment must be either a Heavy Equipment Safety Instructor or otherwise certified by the equipment manufacturer, a construction organization, or a private school for equipment operation (see paragraph 1.18). Heavy Equipment Safety Training can be obtained from a program provided by a Service Heavy Equipment Safety Instructor or an equipment training program that meets the entire training course requirements listed below. At the conclusion of the training, the Heavy Equipment Safety Instructor will complete FWS Form 3-2268 (Record of Heavy Equipment Training).

(3) The operator of heavy equipment must be able to pass an examination that demonstrates satisfactory knowledge and application of the following:

(a) Proper methods for fueling, adding oil, adding water, servicing the battery, and vehicle lubrication.

(b) Pre-start procedures that include proper safety checks.

(c) Starting and warming up the engine.

(d) Proper operational procedures that include use of all controls and demonstration of travel maneuvers necessary for the types of terrain that will be encountered.

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(e) Proper hookup of equipment and accessories that are or may be used with the equipment.

(f) Operation of the equipment with various attachments or accessories.

(g) Proper shut-down procedures.

(h) Proper transport and tie-down procedures (243 FW 5).

(i) Service policies relating to equipment operation, guarding, transportation, personal protective equipment (241 FW 3), and hearing conservation (242 FW 3).

B. Powered industrial trucks (PIT).

(1) PIT operators must receive sufficient training and be knowledgeable about PIT designations, hazardous locations/atmospheres, and other operational requirements of 29 CFR 1910.178.

(2) Only employees meeting the training requirements mandated in 29 CFR 1910.178 will operate a PIT within their scope of employment. Project leaders, supervisors, and employees should determine training requirements by accessing OSHA's website and by consulting their Regional Heavy Equipment Safety Coordinator or Regional Heavy Equipment Trainers for available training resources and scheduled classes.

(3) Operators will undergo refresher training and evaluation in accordance with OSHA standards at least every 3 years, or when the operator is assigned to operate a different type of truck, is involved in a PIT-related accident, or is observed operating a PIT in an unsafe manner. Refresher training requirements are in 29 CFR 1910.178(l)(4).

C. Light duty motor equipment.

(1) Every prospective operator must successfully complete a basic course developed by the equipment manufacturer or other appropriate source of certified instructors. See Exhibit 1 for the minimum course requirements. Refresher training is required every 3 years or sooner if the project leader/supervisor observes poor operational practices or the employee has an accident/incident while operating the equipment.

(2) Before a supervisor may renew a person's authorization to operate light duty motor equipment in the Service, he/she must affirmatively determine that the person is fully trained and qualified.

D. All-terrain vehicles. ATV operators must meet the training requirements in the All-Terrain Training Guide.

1.18 What credentials must a Heavy Equipment Safety Instructor have?

A. An employee who provides safety training to Service employees and volunteers must meet the requirements set forth in paragraph 1.17.

B. The training for a Heavy Equipment Safety Instructor includes a minimum of 72 hours of training required for initial certification (40 hours of NCTC instructor training and 32 hours of Student Manual training), plus 8 hours of additional training every 2 years for recertification.

1.19 Can operator privileges be suspended or revoked?

A. Supervisors must withdraw or suspend operator privileges if employees or volunteers fail to maintain their qualifications or demonstrate a lack of responsibility in operating either the Service's motor vehicles or motor equipment or personal motor vehicles or motor equipment.

B. Heavy duty motor equipment operators must complete refresher training and reauthorization within 3 years after the last training session and authorization. Failure to do so will result in suspension or withdrawal of operating authority.

1.20 What guide must be followed in taking adverse or disciplinary actions against operators or incidental operators?

A. Employees who continue to operate Service motor vehicles or motor equipment after their privileges have been withdrawn or suspended, or who otherwise violate these rules, are subject to disciplinary action as outlined in the Department's Personnel Handbook on Charges and Penalty Selection for Disciplinary and Adverse Actions. They also risk losing their protection against liability under the Federal Tort Claims Act. Volunteers who do the same also risk losing their protection against liability under the Federal Torts Claims Act.

B. Adverse or disciplinary actions against employees must be done in accordance with applicable laws and regulations. Supervisors should contact their servicing Human Resources office for assistance. Refer to 5 CFR 930.